



**Sent Via Email and Certified  
US Mail**

June 19, 2018  
Desiree McCaslen  
Plant Manger  
Big Ox Energy Siouxland  
1617 D Ave.  
Dakota City, NE 68731

**RE: Notice of Violation: Failure to report spill and treatment bypass within 24 hours**

Dear Ms. McCaslen,

On June 14, 2018 the Sioux City Pretreatment office became aware of a digester upset at Big Ox Energy Siouxland. The process upset was causing digester sludge to spill out of the digester onto the ground surrounding the facility bypassing pretreatment processes. **Sioux City Code 13.070.70** states that a Permittee must report spills within 24 hours in accordance with **40 CFR 403.12**.

Big Ox Energy Siouxland is subject to Prohibitions and Enforcements listed in **IU Permit No. 2016-31-I**. "Bypass of any pretreatment process is prohibited unless it is unavoidable to prevent loss of life, personal injury, severe property damage, or no feasible alternative exists." Although we do not know if the spill entered the collection system, the City of Sioux City still considers this a significant event that should have been communicated with Sioux City's IPP and wastewater staff. Related to this event, the following information should have been reported immediately per City Code 13.14.050.3:

- i. Description of the bypass, its cause, duration, and pollutants of concern;
- ii. Whether or not the bypass has ceased;
- iii. The steps taken to reduce, eliminate and/or prevent reoccurrence of the bypass.

In addition, the City's WWTP is experiencing extremely elevated loading resulting from discharge from your facility. Comparing analytical results between April and May 2018, there appears to be more than double the loading that typically comes from your facility and this discharge is impacting the operation of the Sioux City WWTP. This is a significant changed condition and the City is unable to continue to treat loadings this high. Additional actions may be required depending on your response. A changed condition is generally defined as a change in effluent characteristics (flows, pollutant loadings), etc. by more than 20 percent and requires advanced notification. Please include with

your response a reason for these increased loadings from your facility. The City considers this a violation for failure to report a changed condition per City Code 13.07.070.3.b.

Per Sioux City Enforcement Response Plan, these events are subject to Significant Non-Compliance and applicable fines. Big Ox Energy Siouxland will be listed in the Sioux City Journal as required by the Enforcement Response Plan.

The City considers the lack of notification regarding this spill serious. The spill had a negative impact on the environment therefore we are issuing a fine in accordance with the Enforcement Response Plan. Reports indicate that the digester overflow began Friday, June 8, 2018. This is a serious violation and we shall issue fines of \$1,000 per day since the required 24-hour reporting window was not met.

These fines will be assessed on your next monthly invoice:

**\$1,000/day for 10 days= \$10,000**

A written response is required no later than 10 days of receipt of this letter which includes the following information:

- i. An explanation of the violation;
- ii. A plan for the satisfactory correction of the violation;
- iii. A reason for the increased loadings being discharged from your facility;
- iv. A plan for the prevention of future bypass events and increased loadings;
- v. Confirmation when the spill and bypass was terminated.

Please let me know if you would like to schedule a meeting to discuss this matter further. The City wishes to encourage open communication so that we can cooperatively protect the environment and quality of life for all residents in the region.

Respectfully,



Craig Samek  
Pretreatment Coordinator



Mark Simms  
Utilities Director

cc:

Tom Roos, IDNR  
Ben Hucka, IDNR  
Paul Marshall, EPA  
City of South Sioux City, Nebraska